

## **REMARKS**

Claims 1-11 are pending in the present application. Claims 1-7 were rejected under 35 U.S.C. §102(e), and claims 8-11 were rejected under 35 U.S.C. §103(a). The Examiner also objected to the title. Applicant has amended the title. No new matter has been introduced.

### **Specification Objection**

The Examiner objected to the title of the invention as being not descriptive. Applicant has amended the title to more clearly indicate the invention to which the claims are directed. Applicant urges that the new title is descriptive of the claims. Reconsideration and withdrawal of this objection are respectfully requested.

### **Section 102 Rejections**

Claims 1-7 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,816,226 (Bouten).

At the very least, Bouten does not disclose or suggest *a plurality of spacers . . . wherein contact area of the spacers contacting the substrate becomes large as the spacers are located closer to a center of the display area*, as recited in independent claim 1, or *a plurality of spacers formed between the substrates and contacting the substrates with different contact areas to support the substrates*, as recited in independent claim 5. The Examiner cited spacers 28, 29, 30, 31 shown in Bouten's Fig. 4 in support of this contention, relying on the fact that spacers 30 and 31 as drawn appear smaller than spacers 28 and 29, and appear further from the center of the display.

Applicant respectfully disagrees with this interpretation of Bouten.

Applicant draws the Examiner's attention to Col. 3, line 16 of Bouten, in which it is stated that "The Figures are not drawn to scale". Thus, Applicant urges that no inference can be drawn from the fact that spacers 28, 29 appear to have a larger contact

area than spacers 30, 31. Spacers 28, 29, 30, and 31 could all have the same contact area with the substrates.

Furthermore, the only references to object sizes in Bouten concern the seal height  $d_2$ , which is less than 25% of the gap  $d_1$ , and the heights of spacers 30 and 31, which are of diminishing height, with  $d_1 < d_{30} < d_{31} < d_2$ . There is no disclosure in Bouten regarding contact areas of the spacers 28, 29, 30, and 31. Therefore, Applicant urges that it is improper for the Examiner to assume that spacers 28 and 29 have a larger or different contact area than spacers 30 and 31. Since Bouten does not disclose spacers whose *contact area . . . contacting the substrate becomes large as the spacers are located closer to a center of the display area*, as recited in claim 1, or a *plurality of spacers . . . contacting the substrates with different contact areas to support the substrate*, as recited in claim 5, Bouten does not anticipate independent claims 1 or 5. Reconsideration and withdrawal of these section 102 rejections are respectfully requested.

Claims 2-4 and 6-7 depend from claims 1 and 5, respectively, and are thus patentable for at least the same reasons as claims 1 and 5. Reconsideration and withdrawal of this rejection are respectfully requested.

### Section 103 Rejections

Claims 8-11 were rejected under 35 U.S.C. §103(a) as being obvious over Bouten in view of U.S. Patent Application Publication No. 2003/0147038 (Lee, et al.,).

Applicant urges that independent claim 8 is not obvious over the combination of Bouten and Lee for the reasons presented below.

The Examiner acknowledged that Bouten does not disclose *combining the substrates under a vacuum atmosphere*, but cites Lee as disclosing this limitation. However, at the very least, for the reasons presented above in connection with independent claims 1 and 5, Bouten does not disclose or suggest *forming a plurality of spacers on one of two substrates . . . and contacting the substrate with different contact areas to supporting the substrate*, as recited in claim 8, and Lee does not rectify this

deficiency. Since the combination of Bouten and Lee fails to disclose or suggest all claimed limitations of claim 8, a *prima facie* case of obviousness of claim 8 over Bouten and Lee cannot be maintained. Reconsideration and withdrawal of this section 103 rejection are respectfully requested.

Claims 9-11 depend from claim 8, and are thus patentable for at least the same reasons as claim 8. Reconsideration and withdrawal of these rejections are respectfully requested.

**CONCLUSION**

Applicant urges that claims 1-11 are in condition for allowance for at least the reasons stated. Early and favorable action on this case is respectfully requested.

Respectfully submitted,

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